

### **REMARKS**

Reconsideration of this application is respectfully requested. Claims 1-3 and 13-18 are now pending in this application, claim 19 having been cancelled by the present Amendment. Claims 1-3 and 14-18 are allowed. Claim 13 stands rejected. Claim 19 was withdrawn from consideration as being directed to a non-elected invention.

### **Restriction Requirement**

On page 2, Item 2 of the Office Action, newly submitted claim 19 was withdrawn from consideration as being directed to an invention that is independent and distinct from the invention previously claimed. Claim 19 has been cancelled by the present Amendment.

### **Claims Rejections – 35 U.S.C. §102**

Claim 13 was rejected under 35 U.S.C. §102 (b) as being anticipated by **Shuzo** (JP 06-143,073, previously cited). For the reasons set forth in detail below, this rejection is respectfully traversed.

In the Response to Arguments on page 4, Item 6 of the Office Action, the Examiner asserts “**Shuzo** clearly shows in Fig. 1 that each suction passages 8a – 8c are connected to the source of a vacuum by separate inlets 7a – 7c at different distance. Thus, when the source of a vacuum suctions air in the suction passages 8a – 8c, the suction force in each of the suction passages 8a – 8c sequentially reaches the wafer at different time.”

Thus, the Examiner's position that because the overall length of the suction passages in **Shuzo** is different, *the suction force in the respective suction passages reaches the wafer at somewhat different times.*

However, claim 13 does not recite that the suction force in each of the suction passages *sequentially reaches the wafer at different times.* Claim 13 recites "a suctioning device for *sequentially introducing a suctioning force into the suction passages at different timing.*"

**Shuzo** does not disclose or suggest that the suctioning force is introduced into the suction passages 8a – 8c at different timing. Unlike the claimed invention, **Shuzo** suggests that the suctioning force is introduced to the suction passages 8a – 8c at the same time. It may happen that, according to **Shuzo**, the suctioning force *arrives at the wafer* at different times because of the different lengths of the suctioning passages 8a – 8c. However, this in no way suggests that the suctioning force is *introduced into* the suction passages at different timing.

Anticipation under §102 is established only if all the elements of an invention, as stated in the claim, are identically set forth in a single prior art reference. *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 703 F.2d 1452, 1458 (Fed. Cir. 1984). As discussed above, it is respectfully submitted that the **Shuzo** reference does not disclose or suggest the claimed "suctioning device for *sequentially introducing* suctioning force into suction passages at different timing" [emphasis added], as recited in claim 13.

Accordingly, reconsideration and withdrawal of the rejection under §102 are respectfully requested.

Application No. 09/577,932  
Art Unit: 2815

Amendment under 37 C.F.R. §1.116  
Attorney Docket No.: 000663

**CONCLUSION**

In view of the foregoing amendments and accompanying remarks, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



William M. Schertler  
Attorney for Applicants  
Registration No. 35,348  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

WMS/dlt